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UNDER
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United States District Court
for
the District of Nevada

PETITION FOR WARRANT
FOR OFFENDER UNDER SUPERVISION

Name of Offender: **Brenda Bernal**

Case Number: **2:15CR00036**

Name of Sentencing Judicial Officer: **Honorable Jennifer A. Dorsey**

Date of Original Sentence: **May 8, 2017**

Original Offense: **Accessory After the Fact**

Original Sentence: **Time served, followed by 36 Months TSR.**

Date of Prior Revocation: **August 23, 2018**

Revocation Sentence: **Time served, followed by 32 Months TSR.**

Date Supervision Commenced: **August 23, 2018**

Name of Assigned Judicial Officer: **Honorable Jennifer A. Dorsey**

PETITIONING THE COURT

☒ To issue a warrant.

The probation officer believes the offender has violated the following condition(s) of supervision:

1. **Shall Not Commit Crime** - The defendant shall not commit another federal state or local crime.

- A. On November 16, 2018, Bernal committed the following offenses: DUI Alcohol and/or Prohibited Substance, 1st Offense, a misdemeanor, in violation of NRS 484C.110; Fail to Decrease Speed or Use Due Care Under Certain Circumstances, a misdemeanor, in

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violation of NRS 484B.603; and Resist Public Officer, a misdemeanor, in violation of NRS 199.280.3.

Bernal was suicidal and attempted to overdose on her psychotropic medication. She took 30 Lexapro tablets, drank ½ pint of Vodka, and when that “wasn’t working fast enough,” she resorted to snorting methamphetamine. Following the use of these substances, she got behind the wheel of her brother’s vehicle, and attempted to drive home. Bernal rear ended a vehicle at a stop light. An officer with the Las Vegas Metropolitan Police Department (LVMPD) responded to the accident scene and observed Bernal sitting behind the wheel of the vehicle. Bernal then exited the vehicle and ran into the Golden Gate Casino where she was found swallowing antidepressants. Bernal was uncooperative, yelling and screaming, and had to be strapped to a gurney. The arresting officer noted Bernal was very aggressive.

On May 23, 2019, Bernal was convicted of DUI of Alcohol and/or Controlled or Prohibited Substance, 1st Offense, and sentenced to a 30 day suspended jail sentence, DUI school, victim impact panel, 69 hours community service in lieu of fine, 2 days jail with credit for time served, and breath interlock device.

- B. On the evening of March 4, 2021, Bernal committed the offense of Domestic Battery, 1st Offense, a misdemeanor, in violation of NRS 200.485.1A.

Las Vegas Metropolitan (LVMPD) officers were dispatched to a domestic disturbance call at Excalibur Hotel. Details of the call stated that security had two people in custody and a battery had occurred. Officers contacted Bernal’s boyfriend, David Lawson, who stated, his girlfriend, Bernal, had a mental breakdown and was scratching and biting him.

Officers contacted Bernal at Spring Valley Hospital. She stated that she was having a “staycation” with her boyfriend of two months at the Excalibur hotel. Bernal said she had a mental break down and blacked out. She remembered waking up to security in her hotel room. Bernal told security she felt suicidal and wanted to kill herself. Excalibur security called for medical and they transported her to the hospital. Bernal told officers she suffers from depression, bi-polar, and schizophrenia. Bernal reported that she had not taken her medication for a long time. Instead, she was drinking alcohol and smoked methamphetamine earlier in the day. Bernal said from what she remembered nothing physical happened between her and her boyfriend.

2. **Report within 72 Hours - The defendant shall report to the probation office in the district to which the defendant is released within 72 hours of release from the custody of the Bureau of Prisons.**

As reflected in allegation #1B, Bernal was arrested by LVMPD on March 4, 2021 and charged with committing the offense of Domestic Battery (1st). On March 5, 2021, Bernal

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was released from the Clark County Detention Center. As of this writing (March 19, 2021), Bernal has failed to report the arrest to the undersigned officer.

3. **No Gambling** – You must not engage in any form of gambling (including, but not limited to, lotteries, on-line wagering, sports betting) and you must not enter any casino or other establishment, *except for the purpose of employment, as approved and directed by the probation officer*, where gambling is the primary purpose (e.g., horse tracks, off-track betting establishments).

As reflected in allegation #1B, on March 4, 2021, Bernal was inside the Excalibur Hotel and Casino, not for the purpose of employment, and without the permission of the undersigned officer.

4. **Do Not Unlawfully Use Controlled Substance** - You must refrain from any unlawful use of a controlled substance. You must submit to one drug test within 15 days of release from imprisonment and at least two periodic drug tests thereafter, as determined by the court, not to exceed 104 tests annually.

On March 4, 2021, Bernal admitted to LVMPD officers that she smoked methamphetamine earlier in the day.

5. **No Alcohol** – You must not use or possess alcohol.

As reflected in allegation #1B, on March 4, 2021, Bernal admitted to LVMPD officers that she had been consuming alcohol earlier in the day.

6. **Follow Instructions Of Probation Officer** - You must follow the instructions of the probation officer related to the conditions of supervision.

- A. During home visits on July 23, 2020, November 23, 2020, and February 10, 2021, the undersigned officer asked Bernal to provide the undersigned with updated pay stubs to verify her employment. To date, Bernal has not provided the verification.
- B. Bernal has been instructed by her probation officer to submit a complete and truthful written report monthly, to comply with the condition she report to the probation officer as instructed. Bernal has not submitted a monthly report since April 2020.

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U.S. Probation Officer Recommendation:

The term of supervision should be:

☒ Revoked

I declare under penalty of perjury that the
information contained herein is true and correct,

Executed on **March 19, 2021**

 Annis C. Seopaul Sones
2021.03.19 15:00:13
-07'00'

Annis C. Seopaul Sones
United States Probation Officer

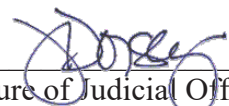
Approved:

 Digitally signed by Todd
Fredlund
Date: 2021.03.19 14:53:13
-07'00'

Todd J. Fredlund
Supervisory United States Probation Officer

THE COURT ORDERS

- ☐ No Action.
☒ The issuance of a warrant.
☐ The issuance of a summons.
☐ Other:

_____
Signature of Judicial Officer

3/23/2021

Date

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**UNITED STATES DISTRICT COURT FOR THE DISTRICT OF NEVADA
UNITED STATES V. BRENDA BERNAL, 2:15CR00036**

**SUMMARY IN SUPPORT OF PETITION FOR WARRANT
March 19, 2021**

By way of case history, on May 8, 2017, Brenda Bernal was sentenced by Your Honor to Time Served, followed by three (3) years supervised release for committing the offense Accessory After the Fact. On that day, she commenced supervision. Bernal violated several conditions of supervision, to include failure to pay fine or restitution, failure to attend substance abuse treatment, failure to work fulltime, failure to reside at the residential reentry center, failure to follow instructions of probation officer and failure to live at approved place. On August 23, 2018, her supervised release was revoked. She was sentenced to Time Served, followed by 32 months supervised release.

On December 6, 2018, the Probation Office notified Your Honor that Bernal was arrested for committing the offense of DUI Alcohol and/or Prohibited Substance, 1st Offense, a misdemeanor, in violation of NRS 484C.110, Fail to Decrease Speed or Use Due Care Under Certain Circumstances, a misdemeanor, in violation of NRS 484B.603, and Resist Public Officer, a misdemeanor, in violation of NRS 199.280.3. Bernal was suicidal and attempted to overdose on her psychotropic medication. She took 30 Lexapro tablets, drank ½ pint of Vodka, and when that “wasn’t working fast enough,” she resorted to snorting methamphetamine. Following the use of these substances, she got behind the wheel of her brother’s vehicle, and attempted to drive home. Bernal ended up rear ending another vehicle at a stop light. Bernal fled from her vehicle upon officer’s arrival. Bernal was in a casino swallowing antidepressant pills. Officers noted she was confused and aggressive. Officers realizing that she was suicidal had her transported to a local hospital for psychiatric evaluation. Bernal was in inpatient care at Monte Vista Mental Health Hospital from approximately November 16, 2018 to November 22, 2018.

Following the incident, the assigned probation officer at the time, Probation Officer Jessica Racaza, had extensive discussions with Bernal as well as her counselor to determine the best course of action to address her mental health, substance abuse, as well as the risk to the community. Bernal expressed a desire for help and need for change. Bernal was interested in participating in an Intensive Outpatient Program offered by Bridge which addressed both mental health and substance abuse simultaneously. The program required three 3-hour group sessions and one 1-hour individual session weekly. In addition to the increased counseling, Probation increased her drug testing and respectfully requested the Court consider a modification of her conditions to include no alcohol as well as participation in an alcohol monitoring program using the SoberLink device for a period of 120 days. Bernal agreed to the proposed modifications. On December 10, 2018, Your Honor approved the modification.

On May 23, 2019, Bernal was convicted of DUI of Alcohol and/or Controlled or Prohibited Substance, 1st Offense, and sentenced to a 30 day suspended jail sentence, DUI school, victim

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impact panel, 69 hours community service in lieu of fine, 2 days jail with credit for time served, and breath interlock device.

Bernal completed treatment and alcohol monitoring. She was gainfully employed and appeared to be stable. However, with a month left of her supervised release, Bernal appears to have relapsed and spiraling.

On the evening of March 4, 2021, Bernal committed the offense of Domestic Battery, 1st Offense, a misdemeanor, in violation of NRS 200.485.1A.

Las Vegas Metropolitan (LVMPD) officers were dispatched to a domestic disturbance call at Excalibur Hotel and Casino. Details of the call stated that security had two people in custody and a battery had occurred. Officers contacted Bernal's boyfriend, David Lawson, who stated, his girlfriend, Bernal, had a mental breakdown and was scratching and biting him. Officer observed marks on Lawson's chest, one upper left scratch/bite, and one scratch on his lower left side of his chest.

Officers contacted Bernal at Spring Valley Hospital. She stated that she was having a "staycation" with her boyfriend of two months at the Excalibur hotel. Bernal said she had a mental break down and blacked out. She remembered waking up to security in her hotel room. Bernal told security she felt suicidal and wanted to kill herself. Excalibur security called for medical and they transported her to the hospital. Bernal told officers she suffers from depression, bi-polar, and schizophrenia. Bernal reported that she had not taken her medication to treat that for a long time. Instead, she was drinking alcohol and smoked methamphetamine earlier in the day. Bernal said from what she remembered nothing physical happened between her and her boyfriend. Bernal had bruises and scratches around her body, but her marks appeared to be old. She stated they were from past mental break downs she had.

Bernal was arrested and booked in the Clark County Detention Center for domestic battery.

On March 5, 2021, Bernal was released from the Clark County Detention Center. As of this writing (March 19, 2021), Bernal has failed to report the arrest to the undersigned officer.

Additionally, during home visits on July 23, 2021, November 23, 2021, and February 10, 2021, the undersigned officer asked Bernal to provide the undersigned with updated pay stubs to verify her employment. Every time the undersign officer follows up with her regarding the pay stubs, she states that she cannot access the ADP payroll system. To date, Bernal has not provided the verification.

Also, as a condition of supervision, Bernal is required to submit a monthly report each month. Bernal has not submitted a monthly report since April 2020.

Bernal appears to have spiraled out of control and is a danger to herself and the community. With one month left on supervision, she has now committed a new law violation, causing injury to her boyfriend. Additionally, she appears to be self-medicating to address her mental health issues,

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based on her admission to officers with LVMPD that she had consumed alcohol and smoked methamphetamine on or about March 4, 2021. As such, the Probation Office is requesting the issuance of a Warrant to initiate revocation proceedings. It is further recommended that Bernal remain in custody pending her appearance before Your Honor.

Respectfully submitted,

Annis C. Seopaul Sones Annis C. Seopaul Sones
2021.03.19 15:00:36
-07'00'

Annis C. Seopaul Sones
United States Probation Officer

Approved:

• *Todd J. Fredlund* Digitally signed by Todd
Fredlund
Date: 2021.03.19 14:53:32
-07'00'

Todd J. Fredlund
Supervisory United States Probation Officer